

City Council of the Mayor and Council of New Castle
Special Meeting/Workshop Session of the City Council
New Castle City Public Library, 424 Delaware Street
Thursday, June 3, 2010, 5:45 p.m.

Present:

Council President William Barthel
Councilperson John Gaworski

Councilperson Teel Petty
Councilperson Ted Megginson
Councilperson John Cochran

Also Present: Mayor John Klingmeyer, City Administrator Cathryn Thomas, Building Official Jeff Bergstrom, Bruce Jones of Greenstone Engineering, Dave Carter, DNREC

President Barthel called the meeting to order at 6 p.m. Roll call was taken.

Mr. Bruce Jones provided a summary of the project. There are currently two projects underway and a third to be talked about this evening. He covered what his firm and DNREC are proposing for the City's dikes and why, as well as projected costs.

The third project is being administered under the DNREC Green Project Reserve Fund. A bigger part of the monies are available through the economic stimulus package. Twenty percent of those funds must deal with projects that are part of the Green Project Reserve and this project qualifies. They anticipate some maintenance issues with the dikes. There is a lot of erosion and vegetation that needs to be addressed on all of the dikes. Some issues are short-term while others are long-term. There is the possibility for principal forgiveness of a percentage of whatever the project costs, with the remaining monies available at an interest rate of 2%.

There are four dikes they are dealing within the City. They are Buttonwood, Broad Creek, Gambacorta Marsh and Army Creek. The latter is partially outside the city limits but maintenance is necessary because it could impact the citizens of New Castle if there is a breach.

There is a significant amount of erosion on the Delaware River side of the dikes. There is wooded vegetation on both sides (river and marsh). Vegetation and trees cause problems for dikes, with trees causing embankments to fail due to their roots.

They are proposing stabilization of critical areas of dike structures and replacing vegetation and trees, as recommended by DNREC and federal agencies, with native grasses that are shallow rooted and help to stabilize the soil. They would selectively clear exposed or above water portions of dikes and replace unstable sections.

Based on inundation maps 25% of the city's populated areas would be inundated if all four of the dikes failed. There is significant need to have these issues addressed.

Using a slide program Mr. Jones reviewed all four of the city's dikes. There will be limited maintenance in the form of mowing 2-3 times per year of native grasses that would be planted.

For funding to be available it needs to be sold to the state and federal governments. The plan will stabilize soil, resist invasive species such as heavy briars and phragmites, and will help wildlife habitat and provide some aesthetic appeal in certain cases.

With this proposal they feel it would take \$400,000 for Buttonwood and Broad Creek dikes. We started with these two projects because they are the farthest north and involve many large trees.

Principal forgiveness is for one-half of the total costs for planning and design monies. If the city decides to proceed with this it would need to go to DNREC directly and request principal forgiveness.

Discussion followed about the timeline to receive approval for principal forgiveness. Mr. Jones noted the contract is not final until signatures are obtained. There are no permit issues associated with these projects. He is confident the numbers he is presenting tonight will not increase.

Mr. Cochran referenced the Army Creek dike and that dike is outside the city limits. He expressed concern about taking on too much responsibility than what is in the city limits. Mr. Carter said we do not know who owns the dikes or who maintains them. Dikes are an important issue with the (DNREC) Secretary. Easements and access may require legal authority. Possible legislation is also being looked at. He hopes that whatever is decided in New Castle will be a model for others. The city's dikes are in better condition than many along the Delaware coastline. His state responsibility is to determine accountability for these dikes. He is looking at who he can get to provide assistance in maintaining the dikes (private owners, County, DelDOT). There is no law in Delaware that includes levies. Concerns about taking on someone else's responsibility is valid. His goal is to find solutions to protect the City of New Castle.

Mr. Jones said the project we talked about tonight is going to provide framework for dealing with long-term maintenance of these facilities. There will be many more recommendations that will come up. This is just the beginning. Based on Mr. Carter's report you will know exactly what needs to be done and the long-term costs. You will have a fixed number.

Mr. Carter said the dikes have not been maintained for some time and to get them up to standards there are costs involved. After that your costs for operation/maintenance will be much less. Mr. Jones added that if the dikes are not maintained they will fail over time. This plan is long-term and will give a timeline for maintenance, operation and replacement.

Mr. Carter stated that Mr. Jones has completed a draft of the plans to inspect the dikes. We know what the problems are, which is one of the reasons Mr. Jones is so confident about the numbers presented tonight.

Mr. Jones noted that they are working with a nationally-known consulting firm that specializes in dike work and he is confident with their work. They will be doing the evaluation and assessment of the dikes. They are under contract with the State to inspect Delaware's high-hazard dams.

Mr. Carter added that once the dikes are mowed residents will be able to report problems quicker because they will be able to see erosion, etc. that they cannot see now because of the growth.

Mr. Bergstrom informed the Trustees are doing an upgrade of the electronic controls on Broad Creek levy now. It is 15 years old. The cost estimate is between \$20,000 and \$30,000. It went into service in 1995. He believes there is a contract to repair the broken flap gate next to it. Buttonwood dike needs to be replaced with another mechanical gate that will give us more ability to control water and manage the marsh during storm events.

Mr. Barthel asked for the status of the current project and if there is anything more the city needs to know. Mr. Jones responded he is not aware of anything more.

Mr. Megginson asked what the delay is at Dobbinsville. Mr. Jones said that the site is contaminated with heavy metals and other things. They are working with DNREC now. Because it is contaminated it has to be handled differently. A health and safety action plan must be done. All permits are done. *(Additional discussion followed.)*

Mr. Cochran asked why the city is involved with the pond at Twin Spans. Mr. Bergstrom informed that the city has to get a permit from the federal government for storm water out flow. We are subject to fines if we do not get involved. Every out flow of storm water that comes out of the city needs to have a permit to go into the Delaware River. Even though it is their private pond the City is still responsible for the storm water that comes out of it. Twin Spans is not putting up any monies towards this either.

Concerning ownership of the dikes, Mrs. Thomas suggested getting private owners, when known, involved now rather than later. Mr. Carter noted the State needs to ensure permanent easements for maintenance of these structures. He offered that if the city feels it will go after these funds and get forgiveness he would be happy to approach the (DNREC) Secretary. He does not know what the decision criteria issues are.

Mr. Barthel was open to Mr. Carter's offer. Mr. Jones added that funding has been approved. A detailed application must be submitted by June 14. There is no commitment from the city until August but the application would be a "place holder" for monies for the city.

Mr. Barthel stated that further consideration and discussion of this issue will take place at the next City Council Meeting on Tuesday, June 8.

Mr. Megginson made a motion to adjourn the meeting; Mrs. Petty seconded the motion which was approved unanimously. The hearing was closed at 6:45 p.m.

Respectfully submitted,

Debbie Turner
Evening Stenographer